

REMARKS

These Remarks are responsive to the Office Action mailed July 6, 2005 ("Office Action"). Applicants respectfully request reconsideration of the rejections therein for at least the following reasons.

I. STATUS OF THE CLAIMS - TOTAL NUMBER OF CLAIMS REDUCED BY TWO THIRDS TO EXPEDITE PROSECUTION

Claims 1-49 were previously pending. In an effort to expedite prosecution, applicants have canceled approximately two thirds of the claims. Specifically, claims 1-10, 12 and 27-49 have been canceled without prejudice or disclaimer. In addition, claims 11 and 13-26 have been amended. Finally, new claims 50-51 have been added. Accordingly, claims 11, 13-26 and 50-51 are pending - and the total number of claims has been reduced from forty-nine (49) to seventeen (17).

II. THE PENDING CLAIMS ARE NOT MADE OBVIOUS BY UNITED STATES PATENT NUMBER 6,191,541 IN VIEW OF PUBLISHED UNITED STATES PATENT APPLICATION 2001/0011229

Previously submitted claims 1-49 were rejected under 35 U.S.C. § 103(a) as being made obvious by U.S. Pat. No. 6,195,541 ("Griffith") in view of published U.S. Patent Appl. No. 2001/0011229 ("Anderson"). To the extent this rejection applies to pending claims 11, 13-26 and 50-51, applicants respectfully traverse the rejection and request reconsideration thereof for the reasons set forth below.

First, independent claim 11 as originally filed, and therefore claims 13-20 and 50-51 dependent thereon, are directed to a single method for "processing transactions and merchant award program data." The primary reference, Griffith, is cited in the Office Action as disclosing a "system for processing transactions and merchant award program data." See Office Action, 4. However, inspection of Griffith reveals that it is solely directed to a method of conducting transactions - *i.e.*, a transaction method whereby a cell phone is used to convey payment information to a point of sale device prior to purchase. If the position is maintained that Griffith teaches anything about the processing of merchant awards, then applicants respectfully request more detailed instruction as to where this information can be found in the reference.

The secondary reference, Anderson, is directed to a merchant award program. However, in Anderson, the merchant award program requires a user to obtain a card that is magnetically encoded with an award so that the user can redeem the award when the card is placed in a magnetic card reader for verification. The Office Action does not provide motivation to combine Griffith and Anderson, which are very different systems; much less explain how the combination provides a single method for conducting a purchase transaction and processing merchant awards. In the claims at issue, both functions are performed after a point of sale device receives a transmitted signal.

Second, with respect to independent claim 11 and, therefore, claims 13-20 and 50-51 dependent thereon, the claims require "transmitting a first signal from a merchant transceiver to a customer transceiver, wherein said first signal causes generation of operative power that enables the customer transceiver to transmit a second signal to the merchant transceiver...." This is not taught in either of the Griffith or Anderson references. The disclosed customer "transceiver" in Griffith is a mobile telephone - which instead relies on a dedicated operative power to function properly - and Anderson simply utilizes a magnetic card.

Third, with respect to independent claims 21 and 24 and, therefore, claims 22-26 dependent thereon, Griffith is cited as disclosing "a system for enrolling users in a transaction processing program." See Office Action, 6. However, Griffith is only directed to a method of conducting purchase transactions and does not relate to the enrollment of users in a transaction processing program. Once again, if this rejection is maintained, applicants respectfully request more detailed direction as to where a system for enrolling users is found in the reference. Anderson does not correct this deficiency.

III. REQUEST FOR AN INTERVIEW

In order to expedite prosecution, applicants respectfully request an interview.

IV. CLOSING COMMENTS

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, a Notice of Allowance is


earnestly solicited. As always, if the Examiner has any questions or concerns, the Examiner is encouraged to contact the undersigned attorney at any time. As previously stated, it is believed that the correct fees are submitted with this Response. However, if there is a shortage or deficiency in fees, the Commissioner is hereby authorized to charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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